IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18081 of 2004

Between:

1 K. Ranganayakulu, S/o. Rangaiah,
R/o. of Dharmavaram Village and Mandal, Ananthapur District.
2 S. Puruthotham, S/o. Pedda Venkataiah,
R/o. of Dharmavaram Village and Mandal, Ananthapur District.
3 S. Laxmi Devei, W/o. S. Purushotham,
R/o. of Dharmavaram Village and Mandal, Ananthapur District.
4 S. Venkatamma, W/o. S. Gondu Rajulu,
R/o. of Dharmavaram Village and Mandal, Ananthapur District.
5 S. Govinda Rajulu, S/o. Govindappa,
R/o. of Dharmavaram Village and Mandal, Ananthapur District.

..... PETITIONERS

AND

Dharmavaram Municipality, rep by its Commissioner,
Dharmavaram, Anantapur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent asking the petitioners not to construct House in respective plot No. 66 in Survey No. 503 as illegal, arbitrary and against the principles of natural justice and contrary to the sanctioned plans and consequently direct the Respondents not to interfere with the constructions work of the petitioners houses as per sanctioned plan in respect of scheduled plots concerned situated in S.No.503, Plot No. 66, Dharmavaram Village and Mandal, Anantapur District as the petitioners have not deviated or violated the sanctioned plan and to pass

Counsel for the Petitioners: MR.Y.ASHOK RAJ

Counsel for the Respondent: MRK.M.MAHENDER REDDY (Standing counsel)

The Court, at the stage of admission, made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel for respondent-Municipality. Both have expressed no objection for disposal of the writ petition. Hence, the writ petition is taken up for disposal.

Petitioners, who obtained permission for construction of houses along with sanctioned plan from the respondent-Municipality vide order, dated 04.03.2003, in Lr.No.BA No.80/2003.G.1., have filed the present writ petition contending that while they are proceeding with the construction in accordance with the sanctioned plan, the respondent, without issuing any notice, called upon them to stop the construction work, which, according to them is arbitrary and illegal.

A perusal of the proceedings, dated 04.03.2003, discloses that the petitioners have to complete the construction work within six/twelve months from the date of proceedings, and if for any reason, the construction is not completed, they shall have to make an application for renewal, 30 days prior to the expiry of 12 months. Admittedly, 12 months period was expired by March, 2003. In view of the same, it is clear that unless the petitioners apply for renewal of the permission, they cannot proceed with the construction work. If that be the case, it is open for the petitioners to seek for renewal of permission together with an application for condonation of delay, or can obtain fresh permission to proceed with the construction. On such application being filed, the respondent shall consider the same and pass appropriate orders accordance with law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

06-10-2004

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To

1. The Commissioner, Dharmavaram Municipality,
   Dharmavaram, Anantapur District.

2. 2CD copies